



Attorney's Docket No. 5576-151

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Tsumori

Serial No.: 10/646,506

Filed: August 22, 2003

For: *Substrate for Perpendicular Magnetic Recording Hard Disk Medium and Method for Producing the Same*

Confirmation No. 9660

Art Group No. 2655

Date: December 2, 2003

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of August 22, 2003 rather than August 25, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of August 22, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

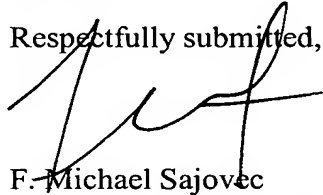
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS on August 22, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of August 25, 2003 instead of the Express Mail date of August 22, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of August 22, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Tsumori et al.  
Serial No.: 10/646,506  
Filed: August 22, 2003  
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



F. Michael Sajovec  
Registration No. 31,793

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

**Certificate of Mailing under 37 CFR 1.8 (or 1.10)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 2, 2003.

  
Clara R. Beard



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5576-151

DATE: August 22, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☒ and claims the benefit of Japanese Application No. 2002-244837; filed August 26, 2002 and Japanese Application No. 2002-244838; filed August 26, 2002.

Inventor(s) or Application Identifier:

**Toshihiro Tsumori**

Entitled:

**Substrate for Perpendicular Magnetic Recording Hard Disk Medium and Method for Producing the Same**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 48 pages of Specification (including 12 claims)
3. ☒ 1 sheet of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☒ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76

6. ☐ Incorporation By Reference (*useable if box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☒ Certified Copy of Japanese Application No. 2002-244837; Filed August 26, 2002 and  
Certified Copy of Japanese Application No. 2002-244838; Filed August 26, 2002
14. ☐ Sequence Listing/ Sequence Listing Diskette
- a. ☐ computer readable copy
- b. ☐ paper copy
- c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$375.00	\$ 750.00
TOTAL CLAIMS	12 - 20 =	0	x 09 = \$	x 18 = \$
INDEP CLAIMS	2 - 3 =	0	x 42 = \$	x 84 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$750.00

- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ A check in the amount of \$790.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ \_\_\_\_\_
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
- b. ☒ Additional patent application processing fees under 37 CFR 1.17

Respectfully submitted,

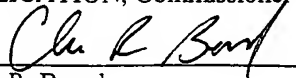
  
E. Michael Sajovec  
Registration No. 31,793

**CERTIFICATE OF EXPRESS MAILING**

Express Mail Label No. EV 353608768 US

Date of Deposit: August 22, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Clara R. Beard



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Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
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Delivery Date	Time	Employee Signature
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<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location), and I authorize that delivery employee's signature constitutes valid proof of delivery.		
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Fins/crb 5576-151

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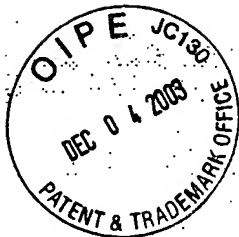
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EV353608768US

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fms/crb

Date: August 22, 2003

Doc. No. 5576-151

Serial No. To Be Assigned

Inventor: Tumari

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:

☒ Specification pages 48

☒ No. of Claims 12

☒ Declaration & POA

☒ Assignment and Fee

☒ Small Entity Statement

☒ Formal Drawings/ 1 sheets

☒ Associate Power of Attorney

☒ Exp. Mail ☐ 1st Class Mail

Other: \_\_\_\_\_

☒ Check \$ 790.00

☐ IDS & PTO-1449 & \_\_\_\_\_ refs.

☐ Amendment & Amend. Transmittal

☐ Preliminary Amendment

☐ Issue Fee

☐ Brief

☐ Appeal

☒ Submittal of Priority Doc. (2 docs.)

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Attorneys for Applicant

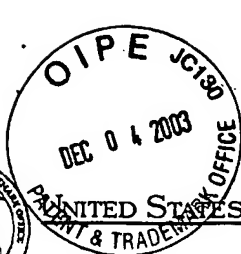
17302 U.S. PTO

10/646506



08/25/03

*[Handwritten signature]*

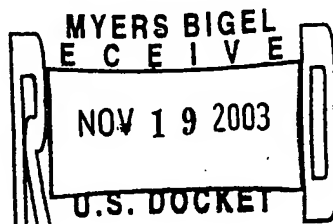


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/646,506	08/25/2003	2655	750	5576-151	1	12	2

Myers Bigel Sibley & Sajovec  
 Post Office Box 37428  
 Raleigh, NC 27627



CONFIRMATION NO. 9660

FILING RECEIPT



\*OC000000011286213\*

Date Mailed: 11/17/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Toshihiro Tsumori, Fukui-ken, JAPAN;

**Domestic Priority data as claimed by applicant****Foreign Applications**

JAPAN 2002-244837 08/26/2002

JAPAN 2002-244838 08/26/2002

If Required, Foreign Filing License Granted: 11/15/2003

Projected Publication Date: 02/26/2004

Non-Publication Request: No

Early Publication Request: No

**Title**

Substrate for perpendicular magnetic recording hard disk medium and method for producing the same

**Preliminary Class**

11-19-03 A09:37 IN

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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